

LEONARD
STREET
AND
DEINARD

219297

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335 1657 FAX

FEE RECEIVED

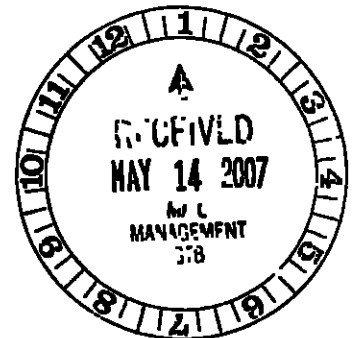
MAY 11 2007

W KARL HANSEN
612-335-7088 DIRECT
KARL.HANSEN@LEONARD.COM

May 10, 2007

**SURFACE
TRANSPORTATION BOARD**

The Honorable Vernon A Williams
Secretary
Surface Transportation Board
1925 K Street N W
Washington, D C 20423-0001



**Re: Abandonment of Trackage Located in Green Island, New York
STB Docket No. AB-156 (Sub-No 26X)**

Dear Secretary Williams

Enclosed please find for filing the unbound original and ten copies of Delaware and Hudson Railroad Company's Verified Notice of Class Exemption from the requirements of 49 U S C § 10903 for the above-referenced rail line abandonment. We also enclose a check in the amount of \$3,100 as the filing fee pursuant to 49 C F R § 1002.2

I also enclose a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned.

Please contact me if you have any questions.

Very truly yours,

LEONARD STREET AND DEINARD

W. Karl Hansen

ENTERED
Office of Proceedings

MAY 14 2007

Enclosure

cc Bill Tuttle
Judy Mitchell
Steve Fisk
Gerry Edwards

Part of
Public Record

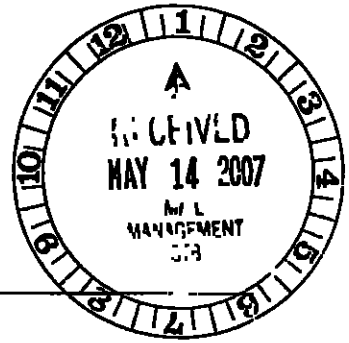
3790740 1

FILED

MAY 14 2007

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C



DELAWARE AND HUDSON RAILWAY)
COMPANY, INC -- ABANDONMENT)
OF TRackage LOCATED IN)
ALBANY COUNTY, NEW YORK)

DOCKET NO AB-156
(SUB-NO 26X)

NOTICE OF EXEMPT ABANDONMENT OF TRackage LOCATED BETWEEN
MILEPOST A 6 95 +/- (IN COLONIE) AND MILEPOST A 7 13 +/- AND MILEPOST
T 0 00 +/- AND MILEPOST T 1 81 +/- (IN GREEN ISLAND), WHICH TRAVERSES
THROUGH UNITED STATES POSTAL ZIP CODES 12183 AND 12189
IN ALBANY COUNTY, NEW YORK

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U S C SECTION 10502 AND 49 C F R PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U S C SECTION 10903

DELAWARE AND HUDSON
RAILWAY COMPANY, INC

W Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel (612) 335-7088
Fax (612) 335-1657

Date of Filing May 10, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C

| | |
|-------------------------------|------------------|
| DELAWARE AND HUDSON RAILWAY) | |
| COMPANY, INC -- ABANDONMENT) | DOCKET NO AB-156 |
| OF TRackage LOCATED IN) | (SUB-NO 26X) |
| ALBANY COUNTY, NEW YORK) | |

NOTICE OF EXEMPT ABANDONMENT OF TRackage LOCATED BETWEEN
MILEPOST A 6 95 +/- (IN COLONIE) AND MILEPOST A 7 13 +/- AND MILEPOST
T 0 00 +/- AND MILEPOST T 1 81 +/- (IN GREEN ISLAND), WHICH TRAVERSES
THROUGH UNITED STATES POSTAL ZIP CODES 12183 AND 12189
IN ALBANY COUNTY, NEW YORK

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U S C SECTION 10502 AND 49 C F R PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U S C SECTION 10903

The Delaware and Hudson Railway Company, Inc , d/b/a Canadian Pacific Railway Company, (D&H) files this Verified Notice of Exemption pursuant to 49 U S C § 10502 and the Board's regulations at 49 C F R Section 1152.50 This Verified Notice of Exemption is for D&H's abandonment of a 1.98 +/- mile line of railroad between milepost A 6 95 +/- (in Colonie) and milepost A 7 13 and milepost T 0 0 +/- and milepost T 1 81 +/- (in Green Island) and which traverses through United States Postal Service Zip Codes 12183 and 12189, in Albany County, New York

No local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines. Maps showing the line to be abandoned are attached as Exhibit No. 1.

In accordance with the requirements of 49 C.F.R. Section 1152.50, D&H submits the following:

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION – 49 C.F.R. SECTION 1152.50(d)(1)

Said notification was served on the appropriate parties on April 30, 2007, at least ten (10) days prior to the filing date of this exemption. See Exhibit No. 2.

2. PROPOSED CONSUMMATION DATE - 49 C.F.R. SECTION 1152.50(d)(2)

D&H intends to consummate the proposed abandonment of its trackage on or after June 29, 2007.

3. CARRIER CERTIFICATION REGARDING LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS REQUIRED BY 49 C.F.R. SECTIONS 1152.50(b) and (d)(2)

The required Certification is attached as Exhibit No. 3.

4. INFORMATION REQUIRED BY 49 C.F.R. SECTIONS 1152.22(a)(1)-(4), (7) and (8) and (c)(4) (INCORPORATED BY REFERENCE IN 49 C.F.R. SECTION 1152.50(d)(2))

(a) SECTION 1152.22(a)(1) EXACT NAME OF APPLICANT

Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway

(b) SECTION 1152.22(a)(2) WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO 49 U.S.C. Subtitle IV, chapter 105

D&H is a common carrier by railroad subject to U.S.C. Subtitle IV, chapter 105.

(c) SECTION 1152.22(a)(3) RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE)

D&H seeks authority to abandon a 1.98 +/- mile portion of its trackage in the Town of Colonic and the Village of Green Island, New York.

(d) SECTION 1152 22(a)(4) DETAILED MAP

See Exhibit No 1

(c) SECTION 1152 22(a)(7) NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT

W Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel (612) 335-7088
Fax (612) 335-1657

(f) SECTION 1152 22(a)(8) LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES

United States Postal Zip codes 12183 and 12189

(g) SECTION 1152 22(c)(4) STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, ENERGY PRODUCTION OR TRANSMISSION, OR RECREATION IF THE APPLICANT IS AWARE OF ANY RESTRICTION ON TITLE TO THE PROPERTY, INCLUDING ANY REVERSIONARY INTEREST, WHICH WOULD AFFECT THE TRANSFER OF TITLE OR THE USE OF THE PROPERTY FOR OTHER THAN RAIL PURPOSES, THIS SHALL BE DISCLOSED

The properties proposed to be abandoned may be suitable for public uses and D&H is currently discussing a potential sale to the Village of Green Island for residential and commercial redevelopment

5 SECTION 1152 50(d)(2) THE LEVEL OF LABOR PROTECTION

D&H understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while D&H anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in *Oregon Short Line Railroad Company - Abandonment -- Goshen*, 360 I C C 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment

6 SECTION 1105 7(c) CERTIFICATE OF SERVICE OF ENVIRONMENTAL
REPORT AND HISTORIC REPORT

An Environmental Report and Historic Report was prepared in accordance with 49 C F R Sections 1105 7 and 1105 8 and served on the Board and all relevant parties on April 20, 2007, pursuant to 49 C F R Section 1105 7(b) Applicant's certification pursuant to 49 C F R Section 1105 7(c) is attached as Exhibit No 4

7 SECTION 1105 12 PUBLICATION OF NEWSPAPER NOTICE

A Notice in accordance with Section 1105 12 was published in a newspaper of general circulation in Albany County, New York A copy of said notice with the required Certification is attached Exhibit No 5

8 VERIFICATION

The required Verification is attached as Exhibit No 6

Date of Filing

May 10, 2007



W. Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax (612) 335-1657

Counsel for the Delaware & Hudson
Railway Company, Inc

Exhibit No. 1

Detailed Exhibit Maps for Verified Notice of Exemption

49 C.F.R. Sections 1152.50(d)(2) and 1152.22(a)(5)

End Abandonment
South Line Veterans' Memorial Drive
Village of Green Island
Milepost T 1.81

Begin Abandonment
West Edge of Route 32 Bridge
Town of Colonie
Milepost A 6.95

Milepost T 0.00 / A 7.13
Village of Green Island

STB Docket No AB-156 (Sub-No. 26X)
Line abandonment between milepost A 6.95 +/- (in Colonie)
and milepost A 7.13 +/- and milepost T 0.00 +/- and milepost T 1.81 +/- (in Green Island)
Albany County, State of New York (U S Postal Service Zip Codes 12183 and 12189)



Exhibit No 2

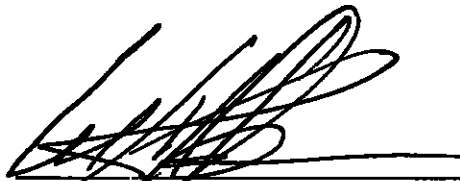
**Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process**

49 C F R Section 1152 50(d)(1)

**CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT**

The undersigned hereby certifies that he served the Notice of Intent to File Verified Notice of Exemption for the proposed abandonment in Docket No AB-156 (Sub-No 26X) via first class U S Mail, on April 30, 2007, as required by 49 C F R Section 1152 50(d)(1), to the parties listed on the attached Service List

Dated May 10, 2007



W Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel (612) 335-7088
Fax (612) 335-1657

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Delaware & Hudson Railway Company, Inc – Abandonment of
Trackage Located in Albany County, New York
STB Docket No AB-156 (Sub-No 26X)

NEW YORK PUBLIC SERVICE COMMISSION

Patricia L. Acampora, Chairwoman
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

U S DEPARTMENT OF DEFENSE

Office of Special Assistant for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd - Suite 130
Newport News, VA 23606-2574

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U S Department of the Interior
National Park Service
1849 C Street NW
Org Code 2220
Washington, DC 20240

U S DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

Abigail Kimbell, Chief
Forest Service
U S Department of Agriculture
Sidney R Yates Federal Building
201 14th Street, SW
Washington, DC 20250

Exhibit No 3

**Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints**

49 C F R Section 1152 50(b)

**CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Steve Fisk, Senior Manager Business Development, for the Delaware and Hudson Railway Company, Inc., hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-156 (Sub-No 26X), Delaware and Hudson Railway has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of Delaware and Hudson Railway Company, Inc., and Canadian Pacific Railway by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Delaware and Hudson Railway Company, Inc., to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated. April 24, 2007





KEVIN R. CARR
Notary Public, State of New York
No 01CA6123875
Qualified in Schoharie County
Commission Expires Mar 14, 2009

Exhibit No 4

**Certification of Proper Service of
Environmental and Historic Reports**

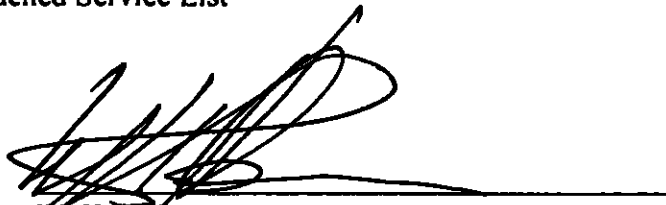
49 C F R Section 1105 7(c)

**CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No AB-156 (Sub-No 26X) with a transmittal letter conforming to the requirements of 49 C F R § 1105.11 via first class U S Mail, on April 20, 2007, as required by 49 C F R § 1105.7(c), to the parties listed on the attached Service List

Dated

May 14, 2007



W. Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel (612) 335-7088
Fax (612) 335-1657

**SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT
Delaware & Hudson Railway Company, Inc – Abandonment of
Trackage Located in Albany County, New York
Docket No AB-156 (Sub-No 26X)**

Regional Office of the U S Environmental Protection Agency

Jane Kenny
Regional Director
United States Environmental Protection Agency
290 Broadway, Floor 26
New York, NY 10007

U S Fish and Wildlife Service

Marvin Moriarty
Regional Director
U S Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

U S Army Corps of Engineers

Col Aniello L Tortora
U S Army Corp of Engineers
New York District
26 Federal Plaza
New York, NY 10278

National Park Service

National Park Service Northeast Region
U S Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

National Geodetic Survey

David B Zilkoski
Director
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

U S Geologic Survey

Mark Myers
Director
U S Geological Survey Headquarters
John W Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

U S Soil and Conservation Service

Ronald Alvarado
State Conservationist
Natural Resources Conservation Service
441 S Salina Street, Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

State Clearinghouse

The State of New York has no designated clearinghouse

State Department of Transportation for New York

Astrid C Glynn
Acting Commissioner
New York State Department of Transportation
5-504 Harriman State Office Campus
1220 Washington Ave
Albany, NY 12232

State Environmental Protection Agency for New York

Pete Grannis
Commissioner
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

State Historic Preservation Office for New York

Carol Ash
Acting Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Empire State Plaza, Agency Building 1
Albany, NY 12238

State Coastal Zone Management Agency

George R. Stafford
Director
Division of Coastal Resources
New York State Department of State
41 State Street
Albany, NY 12231

Albany County

Michael Breslin
Albany County Executive
112 State Street, Room 200
Albany, NY 12207

Village of Green Island

Mayor Ellen McNulty Ryan
Village of Green Island
20 Clinton Street
Green Island, NY 12183

Town of Colonie

Mary Brizzell
Town Supervisor
Town of Colonie
Memorial Town Hall
534 Loudon Road
Newtonville, New York 12128

Local and Regional Planning Agencies

Capital District Regional Planning Commission
One Park Place, Suite 102
Albany, NY 12205

Capital District Transportation Committee
One Park Place, Suite 102
Albany, NY 12205

Exhibit No 5

**Certificate of Publication of
Newspaper Notice**

49 C F R Section 1105.12

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-156 (Sub-No 26X) was advertised in a newspaper of general circulation in all counties through which the line which is the subject of this Notice runs, as required by 49 C F R Section 1105.12. A copy of the Affidavit of Publication and Notice are attached.

Dated

May 10, 2007



W. Karl Hansen
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel (612) 335-7088
Fax (612) 335-1657

TIMES UNION

In Print. Online. All the Time.

Albany Times Union
News Plaza
Box 15000
Albany, New York 12212

LEONARD STREET AND DEINARD
150 S 5TH ST STE 2300
MINNEAPOLIS, MN 55402

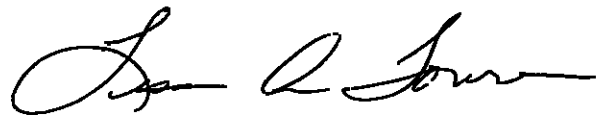
Account Number 094987001
Order Number 0003056083
Order Identifier NOTICE Delaware and

T Dollard / D Hess / D LaCoppla of the city of Albany, being duly sworn, says that he/she is principal Clerk of THE TIMES UNION, a daily newspaper printed in the county of Albany, Town of Colonie, and Published in the County of Albany, Town of Colonie and the city of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates

03-30-2007



Sworn to before me, this Monday, April 02, 2007



LISA A TOWNE
Notary Public, State of New York
No 01TO6097662
Qualified in Saratoga County
My Commission Expires Aug 25, 2007

Notary Public
Albany County

NOTICE

Delaware and Hudson Railway Company, Inc. (d/b/a Canadian Pacific Railway) gives notice that on or about May 10, 2007, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 C.F.R. 1152 Subpart F - *Exempt Abandonments* permitting the abandonment of a 1.98 +/- mile line of railroad between milepost A 6.95 +/- (in Colonie) and milepost A 7.13 and milepost T 0.0 +/- and milepost T 1.81 +/- (in Green Island) and which traverses through United States Postal Service Zip Codes 12183 and 12189, in Albany County, New York. The proceeding will be docketed as No. AB-156 (Sub No. 26X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street NW, Washington, DC, 20423, or by calling that office at 202 245 0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202 245 0230. Copies of any comments or requests for conditions should be served on the applicant's representative, W. Karl Hansen at Leonard, Street and Darnard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

Delaware & Hudson Railway Company, Inc.
(d/b/a Canadian Pacific Railway)
Minneapolis, Minnesota

TU 11 (58083)

Exhibit No 6
Verification Regarding
Facts of Verified Notice of Exemption

VERIFICATION

I, Steve Fisk, Senior Manager Business Development, for the Delaware and Hudson Railway Company, Inc., hereby verify that I have carefully examined all of the statements concerning the operations of Delaware and Hudson's in the Verified Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice, that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information, and belief.

The foregoing is made on behalf of Delaware and Hudson Railway Company, Inc., by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Delaware and Hudson Railway Company, Inc., to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Date: APR. 24, 2007

Steve Fisk

Kevin R Carr

KEVIN R CARR
Notary Public, State of New York
No 01CA6123875
Qualified in Schoharie County
Commission Expires Mar 14, 2009